

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

**TITAN TIRE CORPORATION OF  
FREEPORT,**

Plaintiff/Counter-Defendant,

V.

Case No. 3:08 C 50014

**UNITED STEELWORKERS OF AMERICA,  
LOCAL 745L,**

Defendant/Counter-Plaintiff.

Magistrate P. Michael Mahoney  
Presiding Judge

## USW LOCAL 745L'S RESPONSE TO TITAN TIRE'S STATEMENT OF UNDISPUTED MATERIAL FACTS

USW Local 745L hereby responds to Titan Tire's Statement of Undisputed Material Facts as follows:

1. Agree.
2. Agree
3. Disagree. There is no statement in the documents before the Court regarding the number of months the parties spent in negotiations. The contract is between the USW and its Local 745L and Titan Tire. Exhibit 1 to the USW's Motion for Summary Judgment, p. 1.
4. Agree.
5. Disagree. There is no document before the Court which states that Titan Tire's no-solicitation policy had been in effect since 1996. Nor is there a document which authenticates the Policy cited as Plaintiff's Exhibit 1. Finally, the record before the Court contains no admissible

evidence that this policy was ever put into effect at the Freeport plant, which Titan did not own until 2006.

6. Agree that the quotation is accurate. Disagree that this contract provision is relevant to this case.

7. Agree.

8. Agree.

9. Agree.

10. Agree.

11. Agree.

12. There is no admissible evidence cited on this point. The citation to Defendant's arbitration brief is hearsay. Moreover, under the relevant case law, the arbitrator's fact-finding is final and is the fact-finding that must be accepted by the Court.

13. Agree.

14. Agree; but this fact is irrelevant. Management's refusal to allow the campaign is the subject of the grievance and the arbitration award in this case.

15. Agree.

16. Agree.

17. Agree.

18. Agree.

19. Agree.

20. Agree.

21. Agree that jurisdiction is proper under 29 U.S.C. § 185.

22. Agree.

Respectfully submitted,

CORNFIELD AND FELDMAN

By: /s/ Stephen A. Yokich  
Stephen A. Yokich  
Attorney Bar Number 6181707

Attorneys for Defendant/Counter-Plaintiff United  
Steel Workers, Local 745L

Dated: May 20, 2008

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**CERTIFICATE OF SERVICE**

Stephen A. Yokich, an attorney, hereby certifies that on May 20, 2008, he caused the foregoing **USW Local 745L's Response to Titan Tire's Statement of Undisputed Material Facts** to be filed electronically with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Michael R. Lied, Esq.  
Tracy C. Litzinger, Esq.  
HOWARD & HOWARD  
One Technology Plaza, Suite 600  
211 Fulton Street  
Peoria, IL 61602-1350

and further certifies that on May 20, 2008, he caused the same document to be served upon the following nonregistered participants by U.S. Mail, first-class postage prepaid and addressed as shown below:

None.

/s/ Stephen A. Yokich  
\_\_\_\_\_  
Stephen A. Yokich